

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

KISBY LEES MECHANICAL LLC, t/a
KISBY SHORE CORP.

Plaintiff,

v.

PINNACLE INSULATION, INC.,

Defendant.

HON. JEROME B. SIMANDLE

Civil No. 11-5093 (JBS/AMD)

ORDER

This matter having come before the Court upon the motion [Docket Item 9] of Plaintiff Kisby Lees Mechanical to dismiss Defendant Pinnacle Insulation, Inc.'s Counterclaim, which was converted into a motion for summary judgment by the Court on July 31, 2012 [Docket Items 18 & 19]; the Court having considered the submissions of the parties in support thereof and opposition thereto; for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 24th day of **September, 2012** hereby

ORDERED that the motion for summary judgment is DENIED; and
it is

ORDERED that the Plaintiff's request to refer surviving
claims to arbitration is DENIED without prejudice.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
Chief U.S. District Judge